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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/681,471	04/13/2001	Milton Silva-Craig	15-IS-5715	7327

23446 7590 10/23/2002

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EXAMINER

TO, BAOQUOC N

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/681,471

Applicant(s)

SILVA-CRAIG ET AL.

Examiner

Baoquoc N To

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 20021017.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) 37-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s). <u>4</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Claims 1-52 are pending in this application.
2. Claims 1-36 are elected and claims 37-52 are canceled by applicant representative's Mr. Barich without traversed on an telephone interview on 10-17-02.
3. Claims 1-36 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 5-8, 10, 15-18, 20, 22 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tawara et al. (US. Patent No. 4,958,283).

Regarding on claim 1, Tawara teaches a central data archiving system, said system comprising:

a data source providing medical data [col. 2, lines 43-58];

a status monitor for controlling the transfer of said medical data from said data source (modality 21a) to a remote data store (database 25) [col. 3, lines 24-29]; and

a remote data store (database 25) receiving said medical data and storing said medical data [col. 3, lines 30-35].

Although, Tawara does not explicitly teaches a status monitor for controlling the transfer of said medical data form said data source to a remote data store. However, Tawara teaches, “networks 22 and 23 are managed by a network controller (not shown)” [col. 3, lines 18-20]. This clearly indicates that the network controller can control the transferring of the data from the image data to database 25. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Tawara in order to provide a method and system for storing a large amount of medical image data acquired by various medical image data.

Regarding on claim 2, Tawara teaches status monitor verifies (display on the work station after transferring to database 25) said transfer of said medical data from said data source to said remote data store [col. 3, lines 30-35].

Regarding on claim 5, Tawara teaches data source further stores medical data [col. 2, lines 61-64].

Regarding on claim 6, Tawara teaches remote data store further restores said medical data to said data source [col. 3, lines 30-35].

Regarding on claim 7, Tawara teaches remote data store stores a copy of said medical data [col. 3, lines 30-35].

Regarding on claim 8, Tawara teaches a second data source for storing medical data, wherein said remote data store transfers said medical data to said second data source [col. 3, lines 35-42].

Regarding on claim 10, Tawara teaches remote data store is stored at a plurality of locations [col. 4, lines 30-37].

Regarding on claim 15, Tawara teaches system for remotely accessing a centralized data store, said system comprising:

a remote data store storing medical data (database 25) [col. 3, line 32];

a status monitor for controlling the transfer of said medical data from said remote data store (database 25) to a data source (18a to 18c) [col. 3, lines 38-42]; and

a data source receiving said medical data and storing said medical data [col. 3, lines 38-42].

Although, Tawara does not explicitly teaches a status monitor for controlling the transfer of said medical data form said data source to a remote data store. However, Tawara teaches, "networks 22 and 23 are managed by a network controller (not shown)" [col. 3, lines 18-20]. This clearly indicates that the network controller can control the transferring of the data from the image data to database 25. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Tawara in order to provide a method and system for storing a large amount of medical image data acquired by various medical image data.

Regarding on claim 16, Tawara teaches a second data source storing medical data [col. 2, lines 66-67].

Regarding on claim 17, Tawara teaches status monitor controls the transfer of said copy of said medical data between said remote data store and said second data source [col. 3, lines 18-20].

Regarding on claim 18, Tawara teaches status monitor verifies the transfer of said copy of said medical data between said remote data store and said second data source [col. 3, lines 28-30].

Regarding on claim 20, Tawara teaches status monitor verifies said transfer of said medical data between said first data source and said remote data store [col. 3, lines 18-20].

Regarding on claim 22, Tawara teaches remote data store is stored at a plurality of locations [col. 4, lines 30-34].

Regarding on claim 24, Tawara teaches remote data store comprises at least one directory corresponding to said first data source [col. 3, lines 45-50].

5. Claims 3-4, 9,19, 21 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tawara et al. (US. Patent No. 4,958,283) in view of Ballantyne et al. (US. Patent No. 5,867,821).

Regarding on claim 3 and 19, Tawara teaches the subject matter except for an access authenticator for authenticating access to said remote data store by said data source. However, Ballantyne teaches, "to gain access to medical information network, each user first enters their ID number (332). This ID number is then validated (324) with a central user list to confirm they are a legitimate user. If a match does not occur they are immediately denied system access (326). However, if a match is determined, the user users personal electronic profile is accessed (328). The system then queries (330) the user with a specific question (332) i.e. What was your mother's name? If the user answers correctly (334), access to the network is granted (336) and the time of access is logged (344)" [col. 8, lines 30-39]. This teaches the user can access the remote database (medical information network) by the authentication process. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Ballantyne into Tawara in order to provide an electronic information system for distribution of medical information and patient service.

Regarding on claims 4 and 30, Ballantyne teaches access authenticator authenticates access to said data source [col. 8, lines 30-38].

Regarding on claims 9 and 21, Tawara teaches remote data store comprises an application service provider [col. 7, lines 7-26].

6. Claims 11-14 and 31-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tawara et al. (US. Patent No. 4,958,283) in view of Kasso et al. (US. Patent No. 5,893,073).

Regarding on claims 11 and 31, Tawara teaches the subject matter except for status monitor controls the transfer of data from said data source to said remote data store at a definable interval. However, Kasso teaches, "each recurrence command may also include an occurrence list that specifies at what time during an particular cycle the event occurs" [col. 2, lines 31-33]. This teaches the data transferred is occurred at the certain time of the day of the week. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Kasso into Tawara in order to provide the automatic transferred data based predetermined time setting to allow the system work efficiently.

Regarding on claims 12 and 32, Kasso teaches definable interval comprises a timed interval [col. 2, lines 35-38].

Regarding on claims 13 and 33, teaches definable interval comprises an event - based interval [col. 2, lines 31-38].

Regarding on claims 14 and 34, teaches definable interval comprises a manual interval [col. 1, lines 14-15].

7. Claims 23-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tawara et al. (US. Patent No. 4,958,283) in view of Bergsten (US. Patent No. 6,073,209).

Regarding on claims 23 and 35, Tawara teaches the subject matter except for remote data store restores said medical data at said data source. However, Bergsten teaches, "a storage controller which allows which allows multiple host computer system at different locations to access any multiples copies of stored data. The storage controller automatically creates and manages multiple back-up copies while the host computer system are "on line" in the manner that is both non-disruptive of, and transparent to, the host computer system and their user. Further, the storage controller automatically detects and correct errors in the stored data and automatically replaces faulty copies" [col. 3, lines 2 –10]. This teaches that the remote copies are replaced with the back-up copies when the copies are faulty. Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention was made to modify the teaching of Bergsten into Tawara in order to provide the user with the replaced copy when the requested copy is faulty.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 25-29 and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Tawara et al. (US. Patent No. 4,958,283).

Regarding on claim 25, Tawara teaches method for remotely archiving medical data, said method comprising:

transferring said medical data from a data source to a remote data store (col. 3, lines 24-27); and

storing said medical data at said remote data store (col. 3, lines 30-35).

Regarding on claim 26, Tawara teaches the step of obtaining said medical data (col. 3, lines 35-42].

Regarding on claim 27, teaches the step of storing said medical data at said data source [col. 2, lines 61-64].

Regarding on claim 28, Tawara teaches storing step further comprises storing said medical data at said remote data store in a directory corresponding to said data source [col. 3, lines 45-30].

Regarding on claim 29, Tawara teaches transferring step further comprises verifying (display on the work station after transferring to database 25) said transfer of medical data from said remote data store to said data source [col. 3, lines 30-35].

Regarding on claim 36, Tawara teaches the step of copying said medical data from said remote data source to a second data source [col. 4, lines 34-43].

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is (703) 305-1949 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached at (703) 305-4393.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- (703) 746-7238 [After Final Communication]
- (703) 746-7239 [Official Communication]
- (703) 746-7240 [Non-Official Communication]

Hand-delivered responses should be brought to:

Crystal Park II
2121 Crystal Drive
Arlington, VA 22202
Fourth Floor (Receptionist).



SANJIV SHAH
PRIMARY EXAMINER

Baoquoc N. To
October 17, 2002